

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Denise Joan Murphy Buchanan,

NO. C 09-04813 JW

Plaintiff,

**ORDER GRANTING UNOPPOSED  
MOTION FOR RELIEF**

v.

Michael Astrue, Comm'r of Social Security,

Defendant.

Presently before the Court is Defendant's Unopposed Motion for Relief.<sup>1</sup> Defendant requests that the Court revise its April 4, 2011 Order<sup>2</sup> granting Plaintiff's Motion for Attorney Fees to: (1) clarify that the total fee award is in the amount of \$1,569.50, and (2) state that the fee award is payable to Plaintiff, not Plaintiff's counsel. (Motion at 3.) Defendant states that Plaintiff has agreed to both revisions. (Id.)

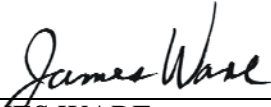
In a case brought under the Equal Access to Justice Act, a court "shall award to a prevailing party . . . fees and other expenses," unless the court finds that the position of the United States was "substantially justified." 28 U.S.C. § 2412(d)(1)(A). "[F]ees and other expenses" awarded to a "prevailing party" under Section 2412(d) are payable to the litigant, and not to the litigant's attorney. Astrue v. Ratliff, 130 S. Ct. 2521, 2524, 2526-27 (2010).

<sup>1</sup> (Memorandum in Support of Unopposed Motion for Relief Under Fed. R. Civ. P. 60(b)(1), hereafter, "Motion," Docket Item No. 16.)

<sup>2</sup> (Order Granting Plaintiff's Motion for Attorney Fees, hereafter, "April 4, 2011 Order," Docket Item No. 15.)

1           Upon review, the Court finds good cause to GRANT the motion and modify its April 4, 2011  
2 Order as follows: Plaintiff is awarded attorney fees pursuant to 28 U.S.C. § 2412(d)(1)(A) in the  
3 amount of \$1,569.50. The fees shall be awarded and made payable to Plaintiff. Defendant shall  
4 make such payment on or before **September 2, 2011**.

5  
6 Dated: August 4, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Sandra Lorena Rocca srocca@rolmlaw.com  
Theophous H Reagans theophous.reagans@ssa.gov

**Dated: August 4, 2011**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers  
**Susan Imbriani**  
**Courtroom Deputy**